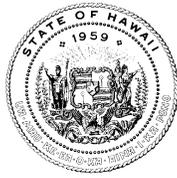


LINDA LINGLE
Governor

JAMES R. AIONA, JR.
Lt. Governor

MARK E. RECKTENWALD
Director

LAWRENCE M. REIFURTH
Deputy Director



OFFICE OF ADMINISTRATIVE HEARINGS
DEPARTMENT OF COMMERCE & CONSUMER AFFAIRS
MEDICAL CLAIMS CONCILIATION PANELS
STATE OF HAWAII

RODNEY A. MAILE
Senior Hearings Officer

SHERYL LEE A. NAGATA
Hearings Officer

CRAIG H. UYEHARA
Hearings Officer

July 1, 2005

CONDOMINIUM DISPUTE RESOLUTION PILOT PROGRAM

Pursuant to Act 164, 2004 Session Laws of Hawai'i, and Act 92, 2005 Session Laws of Hawai'i, the Office of Administrative Hearings (OAH), Department of Commerce and Consumer Affairs, State of Hawai'i will be administering the Condominium Dispute Resolution Pilot Program ("CDR Pilot Program") until June 30, 2006.

As part of the CDR Pilot Program, OAH will be conducting administrative hearings on certain kinds of disputes regarding condominiums, and will be reporting to the Legislature on the types and numbers of the requests for hearings filed with OAH (including cases that OAH is not able to accept because of the subject matter jurisdiction, or because of the maximum number of cases that OAH can accept per fiscal year).

The following is an overview of the administrative hearing portion of CDR Pilot Program:

1. Before a request for hearing can be filed with OAH, the parties must have attempted to resolve the controversy through mediation.
2. If the dispute could not be resolved through mediation, any party that participated in the mediation may file a request for a hearing with OAH.
3. For purposes of the Pilot Program, only thirty (30) cases per fiscal year can be accepted (July 1, 2005 – June 30, 2006).
4. Only the board of directors of a duly registered association of apartment owners, or an apartment owner that is a member of a duly registered association pursuant to section 514A-95.1, may file a request for hearing.
5. The request for hearing:
 - a) must be filed with OAH ***within thirty (30) days from the final day of the unsuccessful mediation;***
 - b) can only be initiated against a party that participated in the mediation; and
 - c) must identify the statutory provisions in dispute.
 - d) The party requesting a hearing must pay a filing fee of \$25.00 at the time the request for hearing is filed.
 - e) Each responding party must file a response to the request for hearing within twenty (20) days from the receipt of the request for hearing, and each

responding party must pay a filing fee of \$25.00 at the time the response is filed.

6. Hearings must start within sixty (60) days from the date the request for hearing is filed.
7. The hearings are governed by Hawai'i Administrative Rules Title 16, Chapter 201. The hearings officers have the power to issue subpoenas, administer oaths, hear testimony, find facts, make conclusions of law, and issue written decisions that are final and conclusive, unless a party adversely affected by the decision files an appeal in the circuit court under section 91-14. The burden of proof, including the burden of producing the evidence and the burden of persuasion, shall be upon the party initiating the proceeding. Proof of a matter shall be by a preponderance of the evidence.
8. The hearing officer will issue written findings of fact, conclusions of law, and a final order as expeditiously as practicable after the hearing has been concluded.
9. Any party adversely affected by the Hearings Officer's order can file an appeal pursuant to Hawai'i Revised Statutes §91-14.

Documents and pleadings may be filed by mail, or directly at the Office of Administrative Hearings, Department of Commerce and Consumer Affairs, 335 Merchant Street, Suite 100, Honolulu, Hawai'i 96813 (telephone: 586-2828). The parties may also request approval from the Hearings Officer to file and receive documents in electronic format, via fax or e-mail. However, all documents must be received by the Office of Administrative Hearings by close of business on the day that the documents are due.

CONTACT INFORMATION

Address: Office of Administrative Hearings
CDR Pilot Program
335 Merchant Street, Suite 100
Honolulu, Hawai'i 96813

Telephone: 586-2828

Fax: 586-3097

Email: oah@dcca.hawaii.gov